

1 Case 1:25-cv-00039-JJM-PAS
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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND

STATE OF NEW YORK; STATE OF)
CALIFORNIA; STATE OF ILLINOIS;)
STATE OF RHODE ISLAND; STATE OF)
NEW JERSEY; COMMONWEALTH OF)
MASSACHUSETTS; STATE OF) 1:25-cv-00039-JJM-PAS
ARIZONA; STATE OF COLORADO;)
STATE OF CONNECTICUT; STATE OF)
DELAWARE; THE DISTRICT OF)
COLUMBIA; STATE OF HAWAI'I;)
STATE OF MAINE; STATE OF)
MARYLAND; STATE OF MICHIGAN;)
STATE OF MINNESOTA; STATE OF)
NEVADA; STATE OF NORTH)
CAROLINA; STATE OF NEW MEXICO;)
STATE OF OREGON; STATE OF)
VERMONT; STATE OF WASHINGTON;)
and STATE OF WISCONSIN,)
Plaintiffs,)
v.)
DONALD TRUMP, in his Official)
Capacity as President of the United)
States; U.S. OFFICE OF MANAGEMENT)
AND BUDGET; MATTHEW J. VAETH,)
in his Official Capacity as Acting Director)
of the U.S. Office of Management and)
Budget; U.S. DEPARTMENT OF THE)

1 **TREASURY; SCOTT BESENT, in his)**
2 **Official Capacity as Secretary of the)**
3 **Treasury; PATRICIA COLLINS, in her)**
4 **Official Capacity as Treasurer of the U.S.;)**
5 **U.S. DEPARTMENT OF HEALTH AND)**
6 **HUMAN SERVICES; DOROTHY A.)**
7 **FINK, M.D., in her Official Capacity As)**
8 **Acting Secretary Of Health And Human)**
9 **Services; U.S. DEPARTMENT OF)**
10 **EDUCATION; DENISE CARTER, in her)**
11 **Official Capacity as Acting Secretary of)**
12 **Education; U.S. FEDERAL)**
13 **EMERGENCY MANAGEMENT)**
14 **AGENCY; CAMERON HAMILTON, in)**
15 **his Official Capacity as Acting)**
16 **Administrator of the U.S. Federal)**
17 **Emergency Management Agency; U.S.)**
18 **DEPARTMENT OF)**
19 **TRANSPORTATION; JUDITH KALETA,)**
20 **in her Official Capacity as Acting)**
21 **Secretary of Transportation; U.S.)**
22 **DEPARTMENT OF LABOR; VINCE)**
23 **MICONE, in his Official Capacity as)**
24 **Acting Secretary of Labor; U.S.)**
25 **DEPARTMENT OF ENERGY;)**
26 **INGRID KOLB, in her Official Capacity)**
27 **as Acting Secretary of the U.S.)**
28 **Department of Energy; U.S.)**
29 **ENVIRONMENTAL PROTECTION)**
30 **AGENCY; JAMES PAYNE, in his Official)**
31 **Capacity as Acting Administrator of the)**
32 **U.S. Environmental Protection Agency;)**
33 **U.S. DEPARTMENT OF HOMELAND)**
34 **SECURITY; KRISTI NOEM, in her)**
35 **Capacity as Secretary of the U.S.)**
36 **Department of Homeland Security; U.S.)**
37 **DEPARTMENT OF JUSTICE; JAMES R.)**
38 **McHENRY III, in his Official Capacity as)**
39 **Acting Attorney General of the U.S.)**

Department of Justice; THE NATIONAL SCIENCE FOUNDATION; and DR. SETHURAMAN PANCHANATHAN, in his Capacity as Director of the National Science Foundation,

Comes now the proposed intervenor, Arthur West, and respectfully moves the Court for the following relief:

1. That the Court find, pursuant to FRCP 19(a), that West be joined as a necessary party to this action due to the previously filed action in the District of Columbia under cause No. 1:24-cv-03143 CRC seeking to eliminate federal grant funding for a Major Federal Action in the State of Washington.

BASIS

This Motion is based upon FRCP 19, the files and records of this case, the previously filed action in the District of Columbia under cause No. 1:24-cv-03143 CRC, the Order of the Washington State Supreme Court in West v. Reed, and the Declaration and argument below.

DECLARATION AND ARGUMENT

I, Arthur West, certify the following to be correct and true.

I am interested in the subject matter of this case as I have a pre-existing case filed in the federal District Court for the District of Columbia seeking to enjoin

1 federal funding for a Major Federal Action in the State of Washington, the
2 Deschutes Estuary Restoration Project.

3 Seven point Four (7.4) Million Dollars in federal grants have been awarded
4 for this project, and an additional 40 Million Dollars of federal grants are pending.
5 (See Attached Exhibit 1, the 1st Amended Complaint in case No. 1:24-cv-03143
6 CRC , and Exhibit 2, NFWF Grant Information Sheet.)
7

8 The federal grants that West challenges are identified on page 26-27 at
9 Section 90 (a) and (k) in the Request for (an) Emergency Temporary Restraining
10 Order filed by the plaintiffs in this case on January 28, 2025.
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12 West's previously filed Complaint in the federal District Court for the
13 District of Columbia, in sections 6.2-6.4, seeks the following relief:
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16 6.2 That an actual and/or Declaratory Judgment issue
17 declaring that the award of 6.4 Million Dollars to the
18 Squaxin Tribe without NEPA review violated NEPA,
19 declaring the Grant in violation of NEPA and void, and
20 prohibiting further awards to, or expenditure of federal
21 funds by, the State defendants pending a full NEPA EIS
22 of the Deschutes Estuary Restoration Project in conjunc-
23 tion with NEPA review of the Budd Inlet Remediation,
24 or in the alternate, at the very least, a full NEPA analysis
25 of the cumulative impacts of restoration project on the
26 Dioxin Remediation in Budd Inlet.

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28 6.3. That the State and Federal defendants be compelled
29 to comply with the requirements of NEPA in regard to
30 assessment of appropriate environmental impacts of the
31 Deschutes Estuary Restoration Project, including the
32

1 interrelated Budd Inlet Toxic Sediment Remediation
2 project in a NEPA EIS and/or prior to any further grant
3 of or expenditure of federal funds.

4 **6.4.** That the Court grant an injunction pendente lite
5 and/or a permanent injunction barring the defendants
6 from proceeding with, or receiving or expending any
7 further federal funds in relation to, the Deschutes Estuary
8 Restoration Project until such point as a full and adequate
9 NEPA EIS is completed.

10 Washington State Attorney General Nicholas Brown was well aware of this
11 action as the State has appeared in that case, and since West has previously
12 communicated to him directly on January 17 concerning the illegal nature of this
13 funding as well as the less than fully ethical conduct of the Pacifica Law Group¹ of
14 which he is a senior partner, and his errant junior attorney Jessica Skelton.

15 West has carefully reviewed the application for a TRO in this case and the
16 Order issued on January 31st, which states, in pertinent part:

17 During the pendency of the Temporary Restraining
18 Order, Defendants shall not pause, freeze, impede, block,
19 cancel, or terminate Defendants' compliance with awards
20 and obligations to provide federal financial assistance to
21 the States,...

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¹ The material below is offered to establish that AG Brown, as a partner in the Pacifica Law firm, can not be
expected to adequately represent West's interests. See:
<https://www.scribd.com/document/823786569/Burien-Declaration-New-Evid>
<https://www.scribd.com/document/823782941/Declaration-Schilling-ISO-Defs-MSJ>
<https://www.scribd.com/document/812480153/Declaration-of-Linda-Akey-Demonstrating-Perjury-in-the-1st-Degree-See-Related-Burien-Motion-re-Perjury>
<https://www.scribd.com/document/812477925/Burien-Motion-Re-Perjured>
<https://www.scribd.com/document/823843580/Burien-Supplemental-Authority-Filed-Stamped>

1 The language of the TRO appears to implicate West's interest in preventing
2 unlawful federal grant funding.

3 This is all the more serious as the Attorney General of the State of
4 Washington has a judicially recognized history of materially misrepresenting the
5 terms of federal injunctions in order to impinge upon West's interests and deny
6 him due process of law in high profile cases.

7 Appended as Exhibit 3 is an en Bank Order of the State Supreme Court in
8 West v. Reed. This Opinion reads in relevant portion:

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11 The previous July the United States District Court for the
12 Western District of Washington had issued a preliminary
13 injunction in an unrelated case prohibiting the secretary,
14 on First Amendment grounds, from releasing the names
15 of individuals who had signed Referendum 71. The
16 federal court amended the injunction in early September,
17 seemingly in response to the secretary's certification,
18 expressly providing that "[t]his restraint shall not
19 interfere with Washington's referendum process or the
20 provisions of RCW 29A.72.240."

21 Despite the express language in the injunction, the
22 secretary argued to the superior court that the injunction
23 prevented him from submitting the referendum to the
24 court for examination. The trial court agreed and
25 dismissed West's complaint without prejudice. West
26 appealed directly to this court. Meanwhile, the voters
rejected Referendum 71 in the 2009 general election.

27 Based upon this history, West has a well grounded fear that any ambiguous
28 terms in the TRO and the pending Preliminary injunction to be issued by this court
29 may be similarly misrepresented to his detriment, as was the case in West v. Reed.

1 FRCP 19(a) provides:

2 (a) Persons Required to Be Joined if Feasible.

3 (1) Required Party. A person who is subject to service of
4 process and whose joinder will not deprive the court of
5 subject-matter jurisdiction must be joined as a party if:

6 (A) in that person's absence, the court cannot accord
7 complete relief among existing parties; or

8 (B) that person claims an interest relating to the subject
9 of the action and is so situated that disposing of the
10 action in the person's absence may:

11 (i) as a practical matter impair or impede the person's
12 ability to protect the interest; or

13 (ii) leave an existing party subject to a substantial risk of
14 incurring double, multiple, or otherwise inconsistent
obligations because of the interest.

15 (2) Joinder by Court Order. If a person has not been
16 joined as required, the court must order that the person be
17 made a party. A person who refuses to join as a plaintiff
18 may be made either a defendant or, in a proper case, an
19 involuntary plaintiff.

20 West has an interest relating to the subject of this action, in that, like the
21 defendants, he seeks to forestall unlawful federal grant funding, albeit on a lesser
22 scale. None of the counsel for the present parties, to the action, especially
23 Washington AG Brown, can adequately protect West's interests.

24 West certainly does not support the wholesale financial monkey wrenching
25 that is apparently the intent of the Executive Orders at issue in this case, but he is
26 legitimately concerned that his due process rights to seek to forestall illegal federal
funding under NEPA in regard to the Deschutes Estuary Restoration Project do not

1 get lost in the shuffle via an overbroad preliminary injunction that might be
2 misrepresented by the State of Washington as has been his previous experience.

3 Especially in light of the documented history of the State of Washington's
4 previous material misrepresentation of the terms of a federal injunction to deny due
5 process of law, as evidenced in *West v. Reed*, the disposition of the action in
6 West's absence may, as a practical matter, impair or impede his ability to protect
7 his interests and may leave the present parties subject to a substantial risk of
8 incurring double, multiple, or otherwise inconsistent obligations by reason of his
9 claimed interest.

12 In numerous previous cases over the last decades, ex parte injunctions have
13 substantially prejudiced West's interests, including the ex parte injunction
14 referenced above, an ex parte injunction obtained by Republican Legislative Staff
15 Member Dave Mortenson regarding records of the Legislative Caucus Campaign
16 Scandal, an ex parte injunction obtained by conservative Activist Tim Eyeman
17 prohibiting disclosure of *Doe v. Reed* Initiative signature sheets, and, more
18 recently, an ex parte injunction issued to Puget Sound Energy preventing
19 disclosure of threat, fire and hazard evaluations appended to a SEPA review
20 concerning the 8 million Gallon LNG facility at the Port of Tacoma, and an ex
21 parte injunction obtained by Thurston County to suppress disclosure of the records
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1 concerning the death of Michael Reinoehl who was gunned down by a multi-
2 jurisdictional federal task force in 2021.

3 All of these previous ex parte injunctions adjudicated West's interests in
4 absentia, and he was prejudiced thereby. There is no reasonable basis to conclude
5 that a similar ex parte injunction entered in this case will not similarly prejudice
6 West's rights, as written or as applied in a prejudicial manner by the State of
7 Washington.

8 I certify the forgoing to be correct and true under penalty of perjury of the
9 Laws of the State of Washington.

10 Done February 4th , 2025, in Olympia, Washington.

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12 S/ Arthur West
13 ARTHUR WEST
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CERTIFICATE OF SERVICE

I, Arthur West, certify that I personally served this Motion and exhibits upon the Office of the Attorney General of the State of Washington on February 4, 2025.

In addition, on or about February 4, 2025, I served this Motion and Exhibits electronically upon all of the attorneys of record at their email addresses appearing on their January 28 filing.

For the future, I respectfully request leave to use this Court's ecf system to allow for more expeditious filing.

Done February 4, 2025, in Olympia, Washington.

S/ Arthur West
ARTHUR WEST